

SLOVAKIA

CEDAW

RESERVATIONS AND DECLARATIONS

Note

Czechoslovakia had signed and ratified the Convention on 17 July 1980 and 16 February 1982, respectively, with a reservation. Subsequently, on 26 April 1991, the Government of Czechoslovakia notified the Secretary-General of its decision to withdraw the reservation made upon signature and confirmed upon ratification. For the text of the reservation, see United Nations, Treaty Series, vol. 1249, p 123.

[Ed. note: as follows:

"According to paragraph 2 of the article 29 of the Convention on the Elimination of All Forms of Discrimination Against Women, the Czechoslovak Socialist Republic does not consider itself bound by paragraph 1 of the article 29 of the Convention, in compliance with which any dispute between two or more States Parties concerning the interpretation or application of the present Convention, which is not settled by negotiation shall, at a request of one of them, be submitted to arbitration or be referred to the International Court of Justice, it is necessary to have an agreement of all the disputing parties in every separate case."

See also note 1 under "Czech Republic" and note 1 under "Slovakia" in the "Historical Information" section in the front matter of *[the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>]*.

[Ed. note: Note 1 under Czech Republic is as follows:

Czech Republic

Note 1

In a letter dated 16 February 1993, received by the Secretary-General on 22 February 1993 and accompanied by a list of multilateral treaties deposited with the Secretary-General, the Government of the Czech Republic notified that :

"In conformity with the valid principles of international law and to the extent defined by it, the Czech Republic, as a successor State to the Czech and Slovak Federal Republic, considers itself bound, as of 1 January 1993, i.e., the date of the dissolution of the Czech and Slovak Federal Republic, by multilateral international treaties to which the Czech

and Slovak Federal Republic was a party on that date, including reservations and declarations to their provisions made earlier by the Czech and Slovak Federal Republic.

The Government of the Czech Republic have examined multilateral treaties the list of which is attached to this letter. [The Government of the Czech Republic] considers to be bound by these treaties as well as by all reservations and declarations to them by virtue of succession as of 1 January 1993.

The Czech Republic, in accordance with the well established principles of international law, recognizes signatures made by the Czech and Slovak Federal Republic in respect of all signed treaties as if they were made by itself."

In view of the information above, entries in status lists pertaining to formalities (i.e., signatures, ratifications, accessions, declarations and reservations, etc.) effected by the former Czechoslovakia prior to dissolution, in respect of treaties to which the Czech Republic and-or Slovakia have succeeded, will be replaced by the name of "Czech Republic" and-or "Slovakia" with the corresponding date of deposit of the notification of succession. A footnote will indicate the date and type of formality effected by the former Czechoslovakia, the corresponding indicator being inserted next to "Czech Republic" and "Slovakia" as the case may be.

As regards treaties in respect of which formalities were effected by the former Czechoslovakia and not listed in the notification of succession by either the Czech Republic or Slovakia, a footnote indicating the date and type of formality effected by the former Czechoslovakia will be included in the status of the treaties concerned, the corresponding footnote indicator being inserted next to the heading "Participant". See also "Slovakia" in this section "[Ed: note: see immediately below.]

For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].

[Ed. note: Note 1 under Slovakia is as follows:

Slovakia

Note 1

In a letter dated 19 May 1993 and also accompanied by a list of multilateral treaties deposited with the Secretary-General, received by the Secretary-General on 28 May 1993, the Government of the Slovak Republic notified that:

"In accordance with the relevant principles and rules of international law and to the

extent defined by it, the Slovak Republic, as a successor State, born from the dissolution of the Czech and Slovak Federal Republic, considers itself bound, as of January 1, 1993, i.e., the date on which the Slovak Republic assumed responsibility for its international relations, by multilateral treaties to which the Czech and Slovak Federal Republic was a party as of 31 December 1992, including reservations and declarations made earlier by Czechoslovakia, as well as objections by Czechoslovakia to reservations formulated by other treaty-parties.

The Slovak Republic wishes further to maintain its status as a contracting State of the treaties to which Czechoslovakia was a contracting State and which were not yet in force at the date of the dissolution of the Czech and Slovak Federal Republic, as well as the status of a signatory State of the treaties which were previously signed but not ratified by Czechoslovakia as listed in the Annex to this letter."

In view of the information above, entries in status lists pertaining to formalities (i.e., signatures, ratifications, accessions, declarations and reservations, etc.) effected by the former Czechoslovakia prior to dissolution, in respect of treaties to which the Czech Republic and/or Slovakia have succeeded, will be replaced by the name of "Czech Republic" and/or "Slovakia" with the corresponding date of deposit of the notification of succession. A footnote will indicate the date and type of formality effected by the former Czechoslovakia, the corresponding indicator being inserted next to "Czech Republic" and "Slovakia" as the case may be.

As regards treaties in respect of which formalities were effected by the former Czechoslovakia and not listed in the notification of succession by either the Czech Republic or Slovakia, a footnote indicating the date and type of formality effected by the former Czechoslovakia will be included in the status of the treaties concerned, the corresponding footnote indicator being inserted next to the heading "Participant".

See also "Czech Republic" in this section.[Ed. Note: see above]

For information on the treatment of treaty actions by predecessor States and successor States in the status tables, see Part C, "Status tables" of the "Introduction" to [the electronic version on the website of the Multilateral Treaties Deposited with the Secretary-General; <http://treaties.un.org/pages/HistoricalInfo.aspx>].

(Note 17, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND

DECLARATIONS

27 February 2007

With regard to the reservation made by Oman upon accession:

"The Government of Slovakia has carefully examined the reservation made by the Sultanate of Oman upon its accession to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

The Government of Slovakia is of the view that the general reservation made by the Sultanate of Oman that "all provisions of the Convention not in accordance with the provisions of the Islamic sharia and legislation in force in the Sultanate of Oman" is too general and does not clearly specify the extent of the obligation (mentioned in the Convention) for the Sultanate of Oman.

The Government of Slovakia finds the reservation to article 9 (2), article 15 (4) and article 16 incompatible with the object and purpose of the Convention and is therefore inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties. Therefore it shall not be permitted, in accordance with article 2[8], paragraph 2 of the Convention on the Elimination of All Forms of Discrimination Against Women.

For these reasons, the Government of Slovakia objects to the above mentioned reservation made by the Sultanate of Oman upon its accession to the Convention on the Elimination of All Forms of Discrimination Against Women.

This objection shall not preclude the entry into force of the Convention on the Elimination of All Forms of Discrimination Against Women between Slovakia and the Sultanate of Oman. The Convention enters into force in its entirety between Slovakia and the Sultanate of Oman, without the Sultanate of Oman benefitting from its reservation. "

11 May 2007

With regard to the reservations made by Brunei Darussalam upon accession:

"The Government of Slovakia has carefully examined the content of the reservations made by the Brunei Darussalam upon its accession to the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW).

The Government of Slovakia is of the opinion that the reservation containing the reference to the beliefs and principles of Islam is too general and raises serious doubt as to the commitment of Brunei Darussalam to the object and the purpose of the Convention.

Moreover, the Government of Slovakia considers that one of the aims of the Convention is to grant the equality between men and women with respect to determine the nationality of their children. Therefore it finds the reservation of Brunei Darussalam to paragraph 2 of article 9 of the Convention as undermining one of key provisions of the Convention and is incompatible with its object and purpose. It is therefore inadmissible and shall be permitted, in accordance with paragraph 2 of article 28 of the Convention on the Elimination of all Forms of Discrimination against Women.

For these reasons, the Government of Slovakia objects to the above mentioned reservations made by the Brunei Darussalam upon its accession to the Convention on the Elimination of all Forms of Discrimination against Women.

This objection shall not preclude the entry into force of the Convention between Slovakia and the Brunei Darussalam. The Convention enters into force in its entirety between Slovakia and the Brunei Darussalam without the Brunei Darussalam benefiting from its reservations."

28 July 2009

With regard to the reservations made by Qatar upon accession

"The Government of the Slovak Republic has carefully examined the reservations and declarations formulated by the State of Qatar upon its accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted on 18 December 1979 in New York, according to which:

I. Reservations:

For the reasons explained below, the State of Qatar does not consider itself bound by the following provisions of the Convention:

1. Article 2 (a) in connection with the rules of the hereditary transmission of authority, as it is inconsistent with the provisions of article 8 of the Constitution.
2. Article 9, paragraph 2, as it is inconsistent with Qatar's law on citizenship.
3. Article 15, paragraph 1, in connection with matters of inheritance and testimony, as it is inconsistent with the provisions of Islamic law.
4. Article 15, paragraph 4, as it is inconsistent with the provisions of family law and established practice.
5. Article 16, paragraph 1 (a) and (c), as they are inconsistent with the provisions of Islamic law.

6. Article 16, paragraph 1 (f), as it is inconsistent with the provisions of Islamic law and family law.

The State of Qatar declares that all of its relevant national legislation is conducive to the interest of promoting social solidarity.

II. Declarations:

1. The Government of the State of Qatar accepts the text of article 1 of the Convention provided that, in accordance with the provisions of Islamic law and Qatari legislation, the phrase “irrespective of their marital status” is not intended to encourage family relationships outside legitimate marriage. It reserves the right to implement the Convention in accordance with this understanding.

2. The State of Qatar declares that the question of the modifications of “patterns” referred to in article 5 (a) must not be understood as encouraging women to abandon their role as mothers and their role in child-rearing, thereby undermining the structure of the family.

Therefore, having studied and approved the Convention, we confirm by this instrument that we accept the Convention, accede to it and undertake to abide [these] provisions, while affirming and bearing in the mind the reservations and declarations mentioned above.

The Government of the Slovak Republic finds the reservations to article 2 (a), article 9, paragraph 2, article 15, paragraph 4, article 16, paragraph 1 (a) and (c), article 16, paragraph 1 (f) and declarations to article 1 and article 5 (a), if put into practice, would inevitably result in discrimination against women on the basis of sex, which is incompatible with the object and purpose of the Convention and is therefore inadmissible under article 19 (c) of the Vienna Convention on the Law of Treaties. Therefore it shall not be permitted, in accordance with article 28, paragraph 2 of the Convention on the Elimination of All Forms of Discrimination Against Women.

For these reasons, the Government of the Slovak Republic objects to the above mentioned reservations and declarations made by the State of Qatar upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women.

This objection shall not preclude the entry into force of the Convention on the Elimination of All Forms of Discrimination Against Women between the Slovak Republic and the State of Qatar. The Convention on the Elimination of All Forms of Discrimination Against Women enters into force in its entirety between the Slovak Republic and the State of Qatar, without the State of Qatar benefiting from its reservations and declarations.”

Note

The Secretary-General received several objections to the signature of the above Convention by Democratic Kampuchea. These objections are identical in matter, mutatis mutandis, as those reproduced in note 3 in chapter IV.3.

[*Ed. note: as follows:*

The signature was effected by Democratic Kampuchea. In this regard the Secretary-General received, on 5 November 1980, the following communication from the Government of Mongolia:

"The Government of the Mongolian People's Republic considers that only the People's Revolutionary Council of Kampuchea as the sole authentic and lawful representative of the Kampuchean people has the right to assume international obligations on behalf of the Kampuchean people. Therefore the Government of the Mongolian People's Republic considers that the signature of the Human Rights Covenants by the representative of the so-called Democratic Kampuchea, a régime that ceased to exist as a result of the people's revolution in Kampuchea, is null and void.

"The signing of the Human Rights Covenants by an individual, whose régime during its short period of reign in Kampuchea had exterminated about 3 million people and had thus grossly violated the elementary norms of human rights, each and every provision of the Human Rights Covenants is a regrettable precedence, which discredits the noble aims and lofty principles of the United Nations Charter, the very spirit of the above-mentioned Covenants, gravely impairs the prestige of the United Nations."

Thereafter, similar communications were received from the Government of the following States on the dates indicated and their texts were circulated as depositary notifications or, at the request of the States concerned, as official documents of the General Assembly (A-33-781 and A-35-784):

<u>State</u>	<u>Date of receipt</u>
<i>German Democratic Republic</i>	<i>11 Dec 1980</i>
<i>Poland</i>	<i>12 Dec 1980</i>
<i>Ukraine</i>	<i>16 Dec 1980</i>
<i>Hungary</i>	<i>19 Jan 1981</i>
<i>Bulgaria</i>	<i>29 Jan 1981</i>
<i>Belarus</i>	<i>18 Feb 1981</i>

Russian Federation *18 Feb 1981*

Czechoslovakia *10 Mar 1981]*

Following is the list of States who have notified their objection with the date of receipt of the notifications:

<u>Participant</u>	<u>Date of receipt</u>
German Democratic Republic	11 Dec 1980
Hungary	19 Jan 1981
Bulgaria	29 Jan 1981
Russian Federation	13 Feb 1981
Belarus	18 Feb 1981
Czechoslovakia	10 Mar 1981

(Note 10, Chapter IV.8, Multilateral Treaties Deposited with the Secretary-General)